



# MONTANA FISH AND WILDLIFE COMMISSION

## AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** August 13, 2020

**Agenda Item:** Rulemaking Petition to Ban Motorized Use on the Shields River

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 15 Min

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### **Background:**

On June 18, 2020, the Commission received a rulemaking petition to ban motorized use on the Shields River from the headwaters to its confluence with the Yellowstone River and all tributaries of the Shields River. The petition was submitted by Jeff Welch on behalf of co-petitioners Mike & Leigh McDaniel, Bob Means, Sally Epps, Nancy Etheridge, and Stuart & Victoria Schilling. The petition also included a letter in support signed by 49 persons. The petition references safety concerns with jet boats that can operate at high rates of speed within the current 10hp restriction. The petition states that motorized travel on the small stream creates the dangerous possibility of a collision between a jet boat and irrigation equipment, livestock, children swimming, floaters, and residents fishing.

Currently, the portion of the Shields River that is in Park County has a 10hp restriction on motorboats pursuant to ARM 12.11.4101. Portions of the Shields River located in Meagher County have no restrictions.

### **Public Involvement Process & Results:**

Public comment has not been collected on the petition. The Commission will take public comment at the meeting. If the Commission opts to initiate rulemaking, the public will have the opportunity to provide comments after the proposed rule language is published in the Montana Register pursuant to the administrative rulemaking procedures.

### **Alternatives & Analysis:**

The commission may initiate rulemaking on the petition. Should this occur, public comment will be collected during the rulemaking process.

The commission may deny the petition. Should this occur, motorized use on the Shields River will remain as it currently is, with a 10hp restriction in Park County.

### **Agency Recommendation & Rationale:**

The department recommends the commission initiate rulemaking on the petition in order to collect further public comment on the proposal.

### **Proposed Motion:**

I move the Fish and Wildlife Commission initiate administrative rulemaking on the petition to ban motorized use on the Shields River.